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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,303	10/20/2003	Mark E. Pecan	CS23595RL	2863

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EXAMINER

NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/689,303

**Applicant(s)**

PECEN ET AL.

**Examiner**

Brian D. Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on the application filed on 10/20/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 5, 6, 19, 24, and 25 are objected to because of the following informalities:

In claim 5, lines 2 and 3; claim 6, lines 2, 4, and 6; claim 19, lines 3 and 4; claim 24, line 2; and claim 25, lines 2, 4, and 6; it is suggested to change "broadcast pages" to --broadcast service pages--.

Claim 12, "computer readable medium" in line 6 seems to refer back to "a computer readable medium" in line 3. If this is true, it is suggested to change "computer readable medium" to --the computer readable medium--.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the particular message identifier" in line 4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 15-17, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Beckmann et al (2005/0066034).

Regarding claims 1, 15, and 20, Beckmann discloses a system and a method of communicating signaling messages in a wireless communication network comprising: reading a signaling message, that is of a particular type (see message type in paragraphs 0038, 0058); reading a message identifier assigned to the particular type of signaling message (see message identification in paragraph 0039, 0054); packetizing the signaling message within one or more cell broadcast service pages, each of which includes the message identifier; and transmitting the one or more cell broadcast service pages (see paragraph 0031, 0035, 0039).

Regarding claims 2, 16, and 21, Beckmann discloses reading a signaling message including a temporary mobile group identity for a multicast or broadcast service (see multicast group identification in paragraph 0012-0013).

Regarding claims 3, 17, and 22, Beckmann discloses reading a signaling message that controls discontinuous reception operation (see paragraph 0007, 0035).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 18, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckmann in view of Karol et al (2004/0199662).

Regarding claims 4, 18, and 23, Beckmann does not specifically disclose making one or more duplicate copies of the one or more cell broadcast service Pages; and transmitting the one or more duplicate copies. However, this feature is well known in the art. Karol discloses this feature (see claim 1). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to duplicate and transmit the packet as taught by Karol in the system of Beckmann to improve the reliability of the system.

8. Claims 5, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckmann in view of Shin (2004/0038691).

Regarding claims 5, 19, and 24, Beckmann does not specifically disclose fragmenting and multiplexing the packets for transmission. However, these features are well known in the art. Shin discloses these features (see paragraph 0036 and claim 40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to fragmenting (segmenting) and multiplexing the packets as taught by Shin in the system of Beckmann in order to conform to the protocol used by the transporting network.

9. Claims 6, 9-10, 12-13, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckmann in view of Barger et al (2004/0240562).

Regarding claims 6 and 25, Beckmann discloses all the claimed subject matter as described in previous paragraph (note that the process performed by the receiver described in

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claim 6 is merely a reverse process performed by the transmitter described in claim 1) including the teaching that the receiver can receive an offer, a commercial or an advertisement for a new product, and consumer information in some other form (see paragraph 0009). Beckmann does not specifically disclose a program module. However, it is well known that a program module is needed to process the received data. Bargerion discloses the use of program modules (see paragraph 0110). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the program module as taught by Bargerion in the system of Beckmann in order to process the received data.

Regarding claims 9-10, claims 9-10 are method claims that have substantially the same limitations as claim 6. Therefore, they are subject to the same rejection.

Regarding claims 12-13, claims 12-13 are device claims that have substantially the same limitations as claim 6. Therefore, they are subject to the same rejection.

10. Claim 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckmann in view of Bargerion as applied to claim 6 above, and further in view of Allisson et al (2004/0203849).

Regarding claim 7, Beckmann in view of Bargerion discloses all the claimed subject matter as described in previous paragraph except for the use of opcode to specify a particular signaling message type. However, this feature is well known in the art. Allison discloses this feature (see paragraph 0032). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the opcode as taught by Allison in the system of Beckmann in view of Bargerion in order to identify the message type in the communication.

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11. Claims 8, 11, 14, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beckmann in view of Barger on as applied to claim 6 above, and further in view of Karol et al (2004/0199662).

Regarding claims 8 and 26, Beckmann in view of Barger on discloses all the claimed subject matter as described in previous paragraph except for making one or more duplicate copies for transmission to the receiver in order to guarantee that the receiver will receive a good copy of each packet sent by the transmitter. However, this feature is well known in the art. Karol discloses this feature (see claim 1). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to duplicate and transmit the packet as taught by Karol in the system of Beckmann to improve the reliability of the system.

Regarding claim 11, claim 11 is a method claim that has substantially the same limitations as claim 6. Therefore, it is subject to the same rejection.

Regarding claim 14, claim 14 is a device claim that has substantially the same limitations as claim 6. Therefore, it is subject to the same rejection.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kotzin (5,953,659), Pecan et al (6,493,559), and Choi et al (2004/0180675).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



5/13/05

**BRIAN NGUYEN**  
**PRIMARY EXAMINER**